

REMARKS

The Office Action mailed on July 11, 2008 has been reviewed. Claims 1-34, and 36-48 were pending in this application and considered by the Examiner. Claim 13 is canceled. Thus, claims 1-12, 14-34, and 36-48 are now pending in the application.

Rejections Under 35 U.S.C. § 103(a)

Claims 9-12 were rejected under 35 USC § 103(a) as being unpatentable over Loo (PCT No. WO99/26448), referred to herein as the Loo reference, in view of Jason, Jr. (U.S. Patent # 7,355,971), referred to herein as the Jason reference. Applicant respectfully traverses.

Claim 9 now recites, “re-determining the packet size after a selected number of errors in the processing of packets.” This aspect of claim 9 is not disclosed by the Loo reference either alone or in combination with the Jason reference.

Since claims 10-12 depend from claim 9, these dependent claims include the limitations of claim 9. Accordingly, claims 10-12 are not anticipated by the Loo reference in view of the Jason reference for the above stated reasons.

For the forgoing reasons, Applicant respectfully requests that the rejection of claims 9-12 under 35 U.S.C. § 103(a) be withdrawn.

Allowable Subject Matter

Claim 13 was objected to as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 13 was canceled.

Claims 1-8, 14-19, 20-25, 26-30, 31-34, 36-42, 43-48 were indicated to be allowable. The Applicant thanks the Examiner for indicating that claims 1-8, 14-19, 20-25, 26-30, 31-34, 36-42, 43-48 are allowable.

CONCLUSION

Serial No.: 10/756,899

Filing Date: 1/14/2004

Attorney Docket No. 100.401US01

Title: AUTO-ADAPTATION TO PACKET SIZE ON A PHYSICAL MEDIUM

Applicant respectfully submits that claims **1-12, 14-34, and 36-48** are in condition for allowance and notification to that effect is earnestly requested. If necessary, please charge any additional fees or credit overpayments to Deposit Account No. 502432.

If the Examiner has any questions or concerns regarding this application, please contact the undersigned at the telephone number listed below.

Respectfully submitted,

Date: September 30, 2008

/David N. Fogg/

David N. Fogg

Reg. No. 35138

Attorneys for Applicant

Fogg & Powers LLC

P.O. Box 581339

Minneapolis, MN 55458-1339

T – (612) 332-4720

F – (612) 332-4731